

# EXHIBIT A - WRA Blog Post

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# Western Range Association

Welcome, Visitor

[California Wage Increase](#) |

## Members of Western Range Association

20 June 2014 by Editor for Directors, Editors, Guests, Members, Visitors, Workers • Comments (1)

February 12, 2014

Attn.: Members of Western Range Association

In an effort to improve the communication between the membership and the board of directors, I am writing a summary of discussed issues during the board meeting that took place on January 23, 2014.

### 1) Early Departure Fees

Everyone should be aware that one of our assurances to the Department of Labor is that travel for each herder, to and from their home country, is provided. WRA purchases these tickets and prorates the cost thereof over 36 months (the maximum time a man could stay). The first 18 months represent the incoming ticket, while the last 18 months represent the ticket home. As airfare rates fluctuate relative to

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[U.S. Custom Border Protection: Arrival Record](#)

[U.S. Department of](#)

time of year and demand, as an association, all members pay an equal amount. This amount is represented on your bill in the herder travel column. The current rate is \$63.75 (Peru), \$18.00 (Mexico) and \$76.50 (Chile) per man per month. Periodically this rate is reviewed to insure that overall travel costs have been met. Additionally, in times when there is a "surplus" at the fiscal year-end, members are not charged for travel.

If a man absconds, only the cost of the inbound ticket is collected. Example: a herder runs off after 12 months of work, the member is responsible for 6 months of prorated travel. If a man runs off after 18 months no travel is due.

If a man goes home early, the full cost of travel is still due. Unfortunately, if a man were to only work a few months and decide to return home the entire cost of both the inbound and outbound ticket is due (both tickets were used).

The Department of Labor's ninety day out of country stay requirement has forced many of us to send men home before the 36 month work period is over. For example, I have men arrive the first of March to be here in time for shearing and lambing. In order to meet the out of country stay and allow time for the new visa to be processed these men must return to Peru the preceding November. This leaves a gap of 4 months in travel fees that I am responsible for. I view this as a cost of doing business to insure that I have experienced men here when I need them.

2) Visas

The best advice I can give regarding visas is to be proactive. Know when the visas of your employees expire. Plan ahead. Expect the paperwork (on the government side) to be slow. Call the office frequently. Submit all requests for new visas, travel, cancellations, etc. in writing. Confirm with the office

Agriculture

U.S. Department of Labor

U.S. Department of Labor: H-2A Program

U.S. IRS: H-2A Program

Calendar

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August 2020

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that your records and theirs match. If you have a problem with the office, speak to Dennis. If you're still not happy call myself.

### 3) Health Insurance

Currently herders have no health insurance. The office is looking into available options. Currently a financially viable one has not been found.

### 4) Herder Runaways

A significant effort was made jointly between Western Range and Mountain Plains last summer to locate and deport herders that had jumped their contract as well as to penalize those that assisted contract breakers in finding employment. While the effort succeeded in locating runaways, there was no assistance from Immigration officials or the Department of Labor to penalize, deport, or even make contact with known jumpers even though assurances were made by government agents that they could help. Currently the only option would be to bring a civil case against an individual or employer. After consulting with attorneys, it was determined that such an action would be costly and even if judgment were favorable to the range associations, little compensation would result and the jumper would still be under the jurisdiction of a federal agency.

Our best hope is that Congress will enact immigration reform that will contain enforcement provisions to deal with the problem. We need to let our legislators know what our problems are. I would urge you all to contact legislators in your home state and let them know the impact that a lack of action is having. Let them know how important the shepherd program is to our industry and your local communities.

### 5) Finances

WRA has been under financial strain for several

 [Workers \(1\)](#)

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years. The major contributors to this are the herder health insurance program and lawsuits brought against the Association.

The herder health insurance was a self funded program. Meaning that WRA paid 100% of all claims up to \$30,000. Rising medical costs, increases in the number of claims and many large claims i.e. appendicitis and cancer depleted all of the insurance fees and forced WRA to use their reserve savings to cover the medical claims. Even though coverage terminated on September 30, 2013 a significant number of claims have yet to be paid.

WRA tries to operate as a "non-profit" association. However, it is necessary for WRA to maintain a savings reserve for several reasons. First of all WRA must guarantee three quarters of the work (and pay) and provide return transportation for all herders. It was determined long ago the WRA would generate a savings reserve account to cover these guarantees should a ranch go broke or if the entire program were shut down.

Lawsuits have become a constant in recent years. The Board of Directors has chosen to defend our program when legal actions have threatened it. An example of this happened last year when the DOL issued new wage orders that doubled wages in Nevada and Arizona. Nevada sheep man David Little took charge and both WRA and MPAS contributed to correct wrong doing. Other legal expenses result when herders sue their employers for any number of reasons. WRA as a joint employer is named as a defendant in these actions and regularly pays tens of thousands of dollars in attorney fees simply to be dismissed from the case.

In order to replace money taken from reserves and to rebuild the reserve fund the board decided to continue the \$60 per man fee until June 2014.

Sincerely,

Western Range Association

Lane Jensen

President

Tags: [Members of Western Range Association](#) , [Early Departure Fees](#) , [Visas](#) , [Health Insurance](#)

## Comments (1)



**Walter Scott Klein**

10/30/2018 12:10:03 PM

Would like to know more about western range association, need a goat herder for west texas but can not find out how to become a member or info to get a herder

Reply

Comments are closed



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